

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO: 3:09-CR-19-MR-DCK**

UNITED STATES OF AMERICA,)	
)	<u>ORDER FOR FURTHER BRIEFING</u>
v.)	
)	
CHARLES ALLEN HALL,)	
)	

THIS MATTER is before the Court *sua sponte* for scheduling purposes. A hearing was held before the undersigned on the Defendant's "Motion to Suppress" (Document No. 11) in two installments on Tuesday, June 30, 2009, and Wednesday, July 8, 2009. The Defendant argues that the Court should suppress certain evidence in the case – namely, two firearms seized by Charlotte-Mecklenburg police officers.

Based upon certain evidence presented at the hearing, the Defendant orally argued at the conclusion of the hearing that the misdemeanor arrest warrant naming the Defendant was not validly issued, and thus, officers were not legally on the Defendant's premises when they seized the two firearms. While counsel for both the government and the Defendant briefly addressed this issue at the conclusion of the second hearing, the issue is unaddressed in the parties' briefs, which were filed before the hearing.

In light of this, the Court finds that further briefing would aid its resolution of the motion. On or before Friday, July 17, 2009, the parties are each directed to file a brief concisely addressing this question:

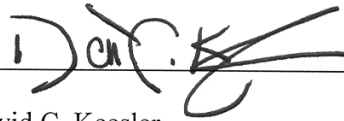
Assuming *arguendo* that the misdemeanor arrest warrant naming the Defendant was not validly issued, is this situation covered by the good faith exception, as set forth in *United States v. Leon*, 468 U.S.

897 (1984), and as further developed in successive cases, including *Herring v. United States*, – U.S. –, 129 S.Ct. 695 (2009)?

In light of the rapidly-approaching trial date, the schedule for this additional briefing will be expedited.

IT IS, THEREFORE, ORDERED that the United States and the Defendant are each directed to file a concise brief by Friday, July 17, addressing the possible application of the good-faith exception.

Signed: July 10, 2009



David C. Keesler
United States Magistrate Judge

